

# HUMAN TRAFFICKING

&

# How Texas Treats Victims of **SEXUAL EXPLOITATION**

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# HUMAN TRAFFICKING



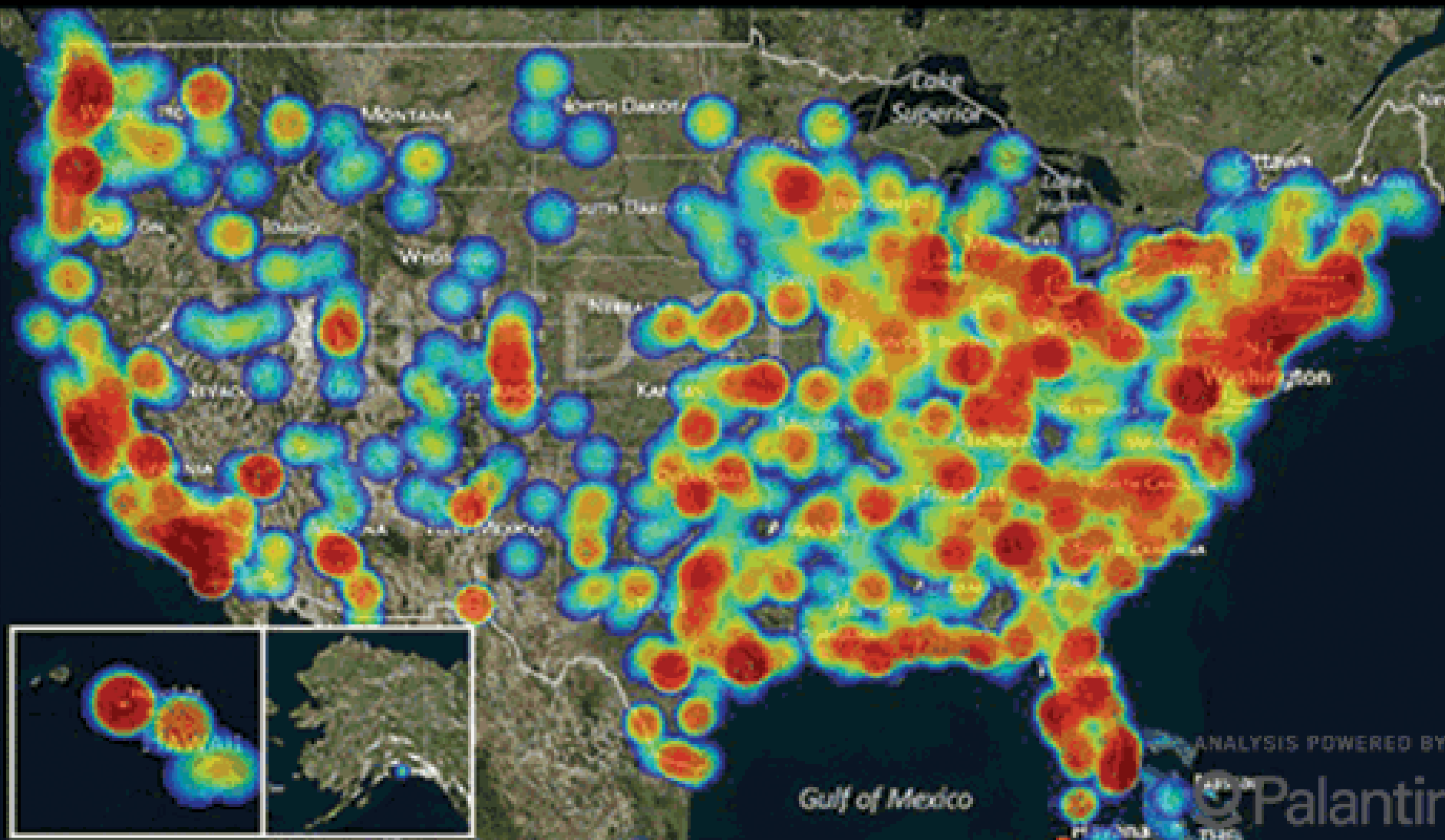
## Top 10 Child Trafficking Industries

1. Pimp-controlled prostitution
2. Peddling rings
3. Pornography
4. Escort service/Delivery service
5. Commercial-front brothel
6. Residential brothel
7. Traveling sales crew
8. Domestic work
8. Restaurant/Food service
9. Personal sexual servitude
10. Hostess/Strip club

 **Polaris** Freedom happens now.




888-3737-888



*Location of potential human trafficking cases reported to the National Human Trafficking Resource Center (2007 - 2012)*



 **TODAY**

 [TODAYSHOW.COM](https://www.todayshow.com)

# Texas Paradigm Shift

Human trafficking is a modern day form of slavery ... Texas has 20 percent of the market in the United States, and Houston is currently the world's largest center for human trafficking ...

Texas Legislature, House Comm. On Human Services,  
Bill Analysis, Tex. C.S.H.B. 4009, 81<sup>st</sup> Leg (2009)

# Texas Paradigm Shift

The vast **majority of domestic victims** of human trafficking **are minors**; approximately 70 percent fall into the **sex trade**.

Texas Legislature, House Comm. On Human Services,  
Bill Analysis, Tex. C.S.H.B. 4009, 81<sup>st</sup> Leg (2009)

# Texas Paradigm Shift

Unfortunately, most of these children are criminalized and placed with Child Protective Services with the result that the child does not receive the necessary services and *often falls back under the thumb of traffickers.*

Texas Legislature, House Comm. On Human Services,  
Bill Analysis, Tex. C.S.H.B. 4009, 81<sup>st</sup> Leg (2009)



# Texas Paradigm Shift

## B.W. Case History

- Jan. 11, 2007
- 10:30 a.m. (Tuesday)
- H.P.D. “Vice” Sting
- Agree to Sex for a Fee: \$20.00 -  
Oral Sex
- 13-year old, CPS Runaway, 32-year old boyfriend

# Offender or Victim?



# Child Agrees to Sex for a Fee



OFFENDER	VICTIM
<p>§ 51.03 Family Code § 43.02 Penal Code</p>	<p>§ 261.001 Family Code § 21.11 Penal Code § 22.011 / 22.021 Penal Code § 43.05 / 43.06 Penal Code</p> <p><i>May v. State,</i> 919 S.W.2d 422 (Tex. Crim. App. 1996)</p> <p><i>In re B.W.</i> 313 S.W.3<sup>rd</sup> 818 (Tex. 2010)</p>

# Texas Supreme Court

*In re B.W.*

The notion that an underage child cannot legally consent to sex is of longstanding origin and derives from the common law ... Texas follows the majority of states which have established a two-step scheme that differentiates between sex with a younger child and sexual relations with an older teen. The rule's underlying rationale is that younger children lack the capacity to appreciate the significance or the consequences of agreeing to sex, and thus cannot give meaningful consent.

*B.W.* at 820-21.

# Texas Supreme Court

## *In re B.W.*

It is difficult to reconcile the Legislature's recognition of the special vulnerability of children, and its passage of laws for their protection, with an intent to find that children under fourteen understands the nature and consequences of their conduct when they agree to commit a sex act for money, or to consider children quasi-criminal offenders guilty of an act that necessarily involves their own sexual exploitation.

Texas Supreme Court

*In re B.W.*

**Children are the victims,  
not the perpetrators,  
of child prostitution.**

313 S.W.3<sup>rd</sup> 818, 826 (Tex. 2010)

# Texas Supreme Court

*In re B.W.*

Children do not freely choose a life of prostitution, and experts have described in detail the extent to which they are manipulated and controlled by their exploiters.

*B.W.* at 826.

National Center for Missing and Exploited Children and  
Department of Justice

- “prostitution of children is closely tied to life on the streets”
- “up to 300,000 prostituted children”
- Pimps “look for young girls who are lonely or rebellious, with low self esteem” and “prey disproportionately on young runaway”

Eva J. Klain, J.D., *“Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses,”* N.C.M.E.C. (April 1999)



- The average age of entry into Prostitution? **12**
- The St. Dept. estimates we identify **.4** % of the victims in existence?
- A runaway will be approached by a pimp within **48** hours?

# Defense to Prosecution



It is a *defense* to prosecution *if* the actor engaged in prostitution because they are the *victim of human trafficking*.

(20A.02)

# Trafficking of Persons

## Texas - 20A.02

Traffics or receives a benefit from a venture that involves ...

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(1) a person through ***force, fraud or coercion***  
.. engaging in offenses of prostitution.

**Compelling Prostitution - 43.05(a)(1)**

---

(1) causing ***a child (under 18) by any means***  
to engage in or become the victim of offenses of  
prostitution or sexual abuse. **Regardless of whether the actor  
knows the age of the child at the time the actor commits the offense.**

**Compelling Prostitution - 43.05(a)(2)**

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# Federal Trafficking Victims Protection Act

## The A-M-P Model

Action	Means*	Purpose
Induce Recruits Harbors Transports Provides or Otherwise Obtains	Force Fraud Coercion  <i>By any means*</i>	Commercial Sex <i>(Sex Trafficking)</i>  Or  Labor / Services <i>(Labor Trafficking)</i>

\* Minors induced into commercial sex are human trafficking victims –  
Regardless of force, fraud or coercion

## Force

beatings, burning, branding, rape, “seasoning”, torture, physical confinement, kidnapping, denial of food/water, denial of medical care / medications, denial of contraceptives/condoms, forced abortion, forced to give up custody of children, forced to use drugs, forced participation in violent or sexual acts, forced to lie

## Fraud

deceptive employment offers, deceptive marriages, deceptive promises of a better life, deceitful enticing and affectionate behavior, withholding wages.

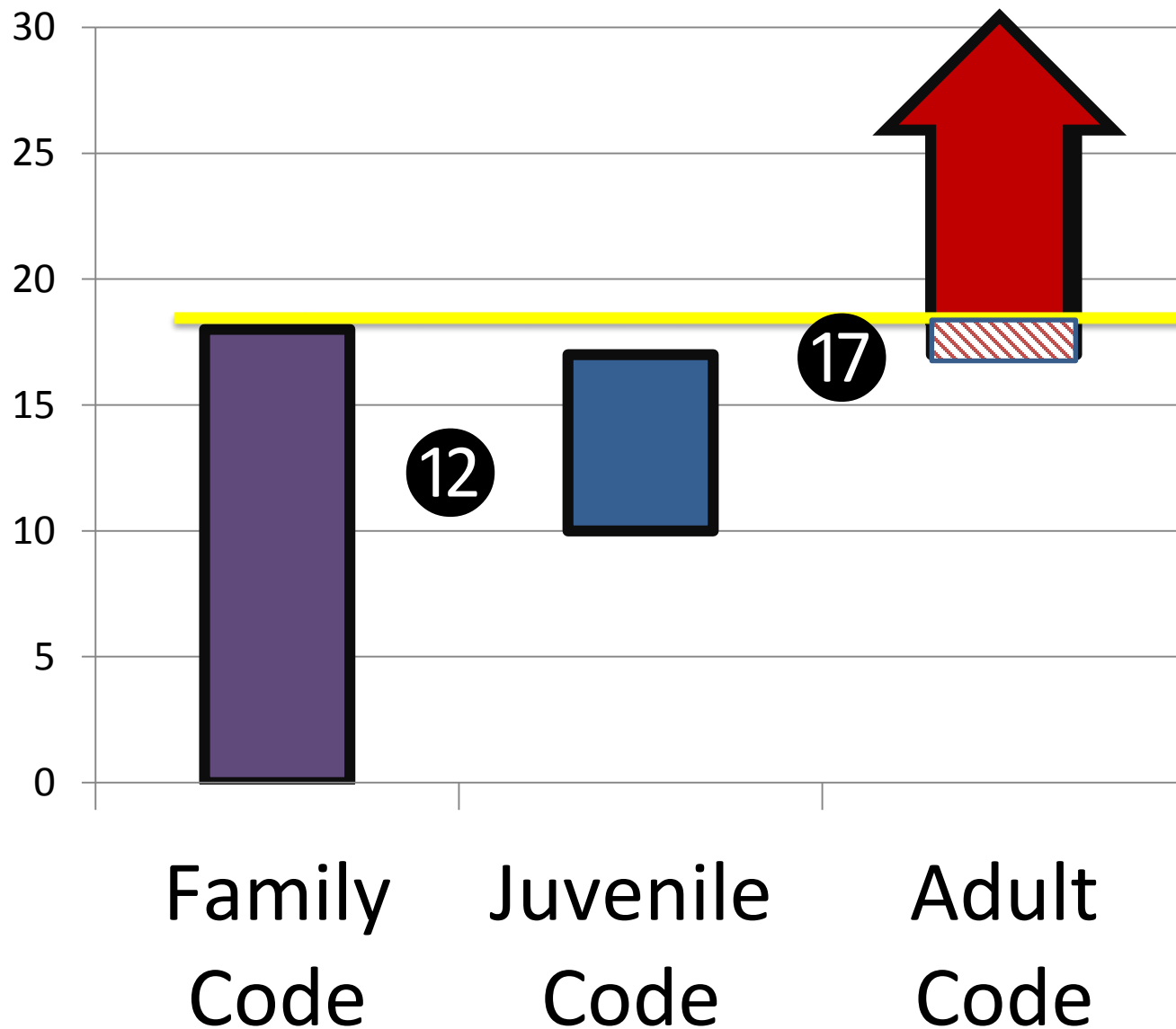
## Coercion

psychological or mental abuse, document confiscation, fines for rule violations, control of children, photographing in illegal situations, forced to watch pornography to learn prostitution or stripping, forced to meet quotas, control of money, threats to family members, threats of deportation, threats of serious harm/humiliation, threats of abuse of the legal system

# *Texas - By Any Means*

- *Waggoner v. State*, 897 S.W.2d 510, 512 (Tex. App.-Austin 1995, no pet.)  
Defendant said he had a young girl available for prostitution, set up a “call” and drove to location, provided a condom and cell phone if she didn’t like the guy
  - “by any means ... is intended to prohibit ‘conduct that exploits the immature’ regardless of coercion ... one who provides opportunity for a willing minor to engage in prostitution and influences, persuades or prevails upon her to do so has ... caused the prostitution ...”
- *Tubbs v. State*, 670 S.W.2d 407, 408 (Tex. App.-Dallas 1984, no pet.)
  - “Regardless of the means used”
- *Hill v. Texas*, 265 S.W.3d 539 (Tex. App. -Hou [1 Dist.] 2008, pet.ref’d)
  - Compelling prostitution is a result-of-conduct offense
- *Moreno v. State*, 413 S.W.3d 199 (Tex. App. – San Antonio, 2013)
  - Convicted of human trafficking, compelling prostitution, aggravated kidnapping and sexual assault of a child.

## Texas Commercial Sex / Exploitation



Victim

force,  
fraud,  
coercion

18

*by any  
means*



# Human Trafficking Victim

- Trafficking in Persons 20A.02
- Cont. Trafficking in Persons 20A.03
- Promotion of Prostitution 43.03
- Agg. Promotion of Prostitution 43.04
- Compelling Prostitution 43.05
- Sexual Performance of a Child 43.25
- Employment harmful to Children 43.251
- Poss. Of Child Pornography 43.26



# Juvenile Code

## Delinquent Conduct § 51.03(a)

### ADULT CONDUCT

Robbery  
Criminal Trespass  
Possession of Marijuana  
~~Prostitution~~  
Failure to Identify  
Resisting Arrest

## CINS § 51.03(b)

### CHILD CONDUCT

Indicating a Need for Supervision

Runaway  
Truancy

Prostitution



◀◀ **BREAKING NEWS** ▶▶

**AP: BODY OF MISSING NORTH  
CAROLINA GIRL IS FOUND**

NASDAQ  
2200.12  
▲32.24

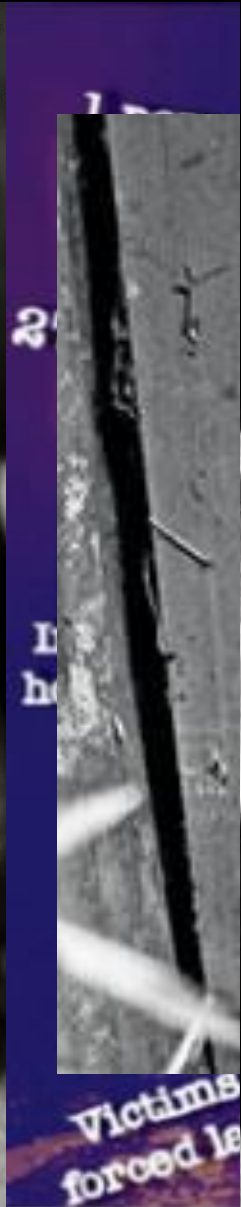
INTRADAY



2201

2177

# Human Trafficking Awareness



# Realistic Victims





# Vulnerable Youth

- Runaway and homeless youth
- Impoverished groups or individuals
- History of neglect or ineffective/incapacitated parents
- History of physical/sexual abuse
- History of multiple traumas
- Family history of prostitution
- Caregiver history of incarceration



# CHILD SEX TRAFFICKING

1 in 6 endangered runaways reported to NCMEC in 2014 were likely sex trafficking victims.



That is up from 1 in 7 in 2013



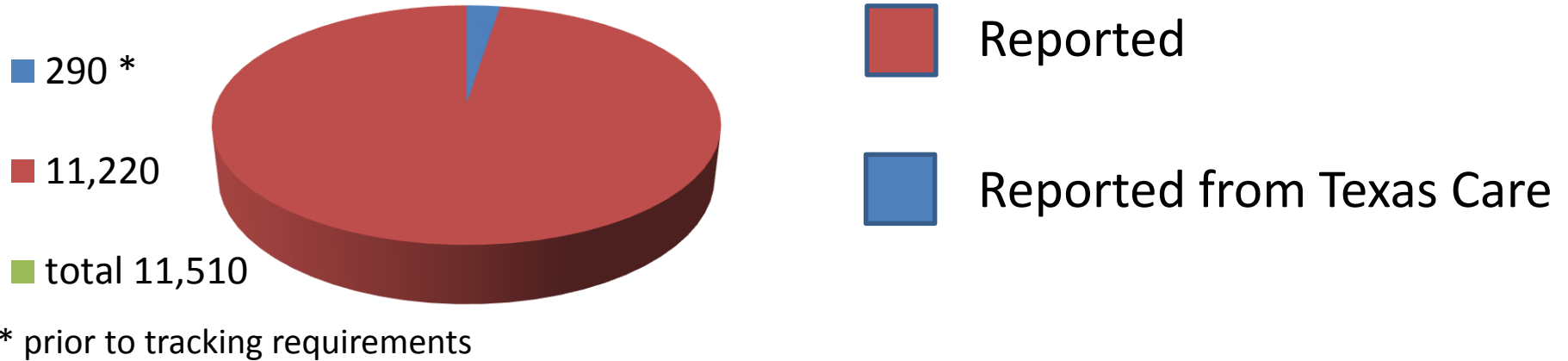
**68%** of these likely sex trafficking victims were in the care of social services or foster care when they ran.



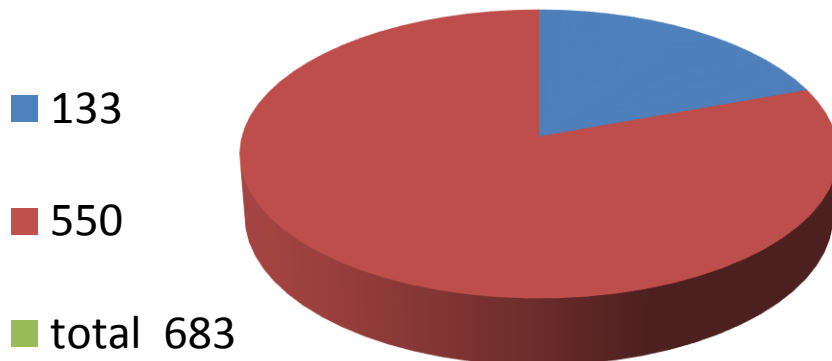
NATIONAL  
CENTER FOR   
**MISSING &  
EXPLOITED**  
C H I L D R E N<sup>®</sup>

# Texas Missing Children Reported to National Center for Missing and Exploited Children

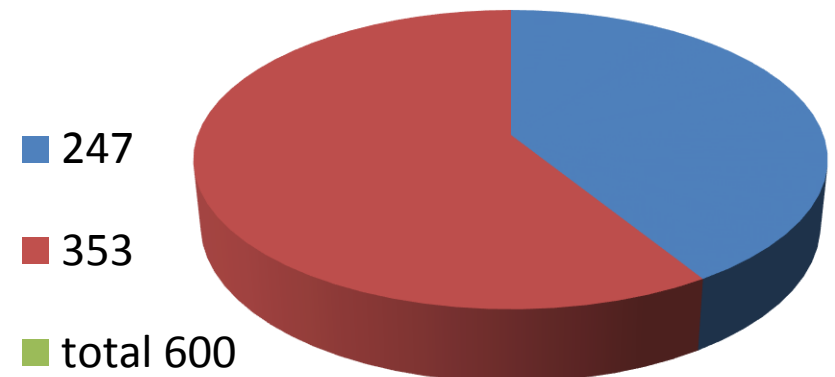
**1990 - 2013**



**2014**



**2015**  
**(as of Aug. 10<sup>th</sup>)**





# New Reporting Requirements for Missing Children

- To increase **identification**, **prevention**, and **response** to children in care who are victims of or are at-risk for sex trafficking.
- Child welfare agencies **MUST REPORT** missing children **to LAW ENFORCEMENT** and N.C.M.E.C.

**The Preventing Sex Trafficking  
and Strengthening Families Act – H.R. 4980 (2014)**

**MUST**

**immediately report  
within**

**24 hours**



## Report It

**24-Hour**  **HOTLINE**

**1-800-THE-LOST (1-800-843-5678)**

If you think you have seen a missing child, contact the National Center for Missing & Exploited Children 24-hours a day, 7 days a week.

### Report Child Sexual Exploitation

Use the Congressionally-authorized [CyberTipline](#) to report crimes against children.

**MAKE A CYBERTIPLINE REPORT**

# The Preventing Sex Trafficking and Strengthening Families Act – H.R. 4980 (2014)

- Texas Compliance In Process

Angela S. Goodwin

Director of Investigations

Child Protective Services

[angela.goodwin@dfps.state.tx.us](mailto:angela.goodwin@dfps.state.tx.us)

512-438-4746

512-339-5927 (fax)

**San Luis Obispo County CSEC Collaborative Response Team**  
**Commercially Sexually Exploited Children (CSEC)**  
**SCREENING TOOL**

Please take a few minutes to fill out this form; one for each youth on your caseload. If you do not have time to complete for every youth, please at least preview this tool and complete for those you feel are at highest risk. Thank you in advance for your participation as this tool will help us identify the youth who are most impacted by the sexual exploitation industry.

Screening Date:

Agency:

Worker:

Phone:

Client's Name:

Gender:

DOB:

Age:

Zip Code:

1. Has unexplained absences from school for an extensive period of time. ☐ Yes ☐ No ☐ Unknown
2. Chronically runs away from home/placement. ☐ Yes ☐ No ☐ Unknown
3. Makes references to frequent travel to other cities. ☐ Yes ☐ No ☐ Unknown
4. Knows someone who has had sex for drugs, shelter, food, goods, or money. ☐ Yes ☐ No ☐ Unknown
5. Makes references to an older "boyfriend / girlfriend". ☐ Yes ☐ No ☐ Unknown
6. Makes reference or is participating in an online relationship, and has not met the person face-to-face.  
☐ Yes ☐ No ☐ Unknown
7. Criminal Record / Arrest History / Juvenile Probation. ☐ Yes ☐ No ☐ Unknown
8. Gang Affiliation. ☐ Yes ☐ No ☐ Unknown
9. History of Child Welfare Services. ☐ Yes ☐ No ☐ Unknown
10. Victim of sexual abuse. ☐ Yes ☐ No ☐ Unknown

11. Exhibits bruises or other forms of physical trauma. ☐ Yes ☐ No ☐ Unknown
12. Exhibits psychological stressors: withdrawn behavior, low self-esteem, depression, fear, and evidence of self harm. ☐ Yes ☐ No ☐ Unknown
13. Lacks control over her/his schedule or identification documents. ☐ Yes ☐ No ☐ Unknown
14. Makes references to or appears to be malnourished. ☐ Yes ☐ No ☐ Unknown
15. Demonstrates a sudden change in attire, behavior or material possessions (expensive items or multiple cell phones) / or is inappropriately dressed (provocative style, based on weather conditions).  
☐ Yes ☐ No ☐ Unknown
16. Makes reference of substance use/abuse. ☐ Yes ☐ No ☐ Unknown
17. Makes references to sexual situations that are beyond age-specific norms (developmental aged).  
☐ Yes ☐ No ☐ Unknown
18. Makes references to terminology of the commercial sex industry. ☐ Yes ☐ No ☐ Unknown
19. Identifies themselves as Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex (LGBTQQI).  
☐ Yes ☐ No ☐ Unknown
20. Tattoos in noticeable areas (often names). ☐ Yes ☐ No ☐ Unknown
21. Personal art drawn depicting sexual situations, pain (broken hearts/tear drops), dollar signs, and/or scripture. ☐ Yes ☐ No ☐ Unknown
22. The youth is a minor parent. ☐ Yes ☐ No ☐ Unknown

# Addressing Needs

- Comprehensive assessment and individualized treatment planning
- Ensure communication and collaboration
- Placement facilities that are trauma informed and have a level of expertise in CSEC
- Addressing medical and psychological needs
- Treatment can be complex and youth often don't see themselves as victims



# Harris County Juvenile Probation GIRLS Court

- **Intensive Judicial Oversight**

Judge engaged in entire process from participant selection to discharge planning

- **Intensive Supervision and Monitoring**

Specialized probation officer conducts weekly visits at home, school, placement, etc.

- **Regular Review Hearings**

Review hearings progress along continuum based upon needs of each individual girl

- **Multidisciplinary Team**

Judge

Legal Representatives

Therapeutic Providers

Educational Specialist

Texas Dept. Family & Protective Services

Team Psychologist

Probation Officer

Parent Partner

# Judicial Perspective and Practical Applications

The Honorable Angela Ellis

Harris County, Texas

315<sup>th</sup> Associate Judge

Presiding Judge, Harris County GIRLS Court



# Human Trafficking Information Resources

- [https://www.texasattorneygeneral.gov/files/agency/human\\_trafficking.pdf](https://www.texasattorneygeneral.gov/files/agency/human_trafficking.pdf) (Jan. 2011)
- [https://www.texasattorneygeneral.gov/files/agency/20121912\\_htr\\_fin\\_3.pdf](https://www.texasattorneygeneral.gov/files/agency/20121912_htr_fin_3.pdf) (Dec. 2012)
- [https://www.texasattorneygeneral.gov/files/agency/20142312\\_htr\\_fin.pdf](https://www.texasattorneygeneral.gov/files/agency/20142312_htr_fin.pdf) (Dec. 2014)
- <http://www.justice.gov/crt/about/crm/1581fin.php>
- <http://www.houstonrr.org/>
- <http://www.polarisproject.org/about-us/overview>
- <http://sharedhope.org/learn/traffickingterms/>

# Human Trafficking Information Resources

- *Missing Children, State Care, and Child Sex Trafficking: Engaging the Judiciary in Building A Collaborative Response*  
[http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_NCMEC\\_DCST\\_TAB\\_Final\\_6.10.15.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_NCMEC_DCST_TAB_Final_6.10.15.pdf) (2015)
- *Preventing Sex Trafficking and Strengthening Families Act (H.R.4980)*. <http://www.childrensdefense.org/library/data/fact-sheet-on-hr-4980.pdf> (Oct. 2014)
- *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls.*  
<http://www.traffickingresourcecenter.org/sites/default/files/Blueprint%20-%20GL.pdf> (March 2013)
- San Luis Obispo County - Screening Tool  
<http://www.cwda.org/tools/csce.php>